

STATE OF OHIO)
)
MAHONING COUNTY) SS:

IN THE GRAND JURY
CASE NO. 16 CR 342

DATE: April 7, 2016

PLACE: Grand Jury Room
 Mahoning County Courthouse
 Youngstown, Ohio

PRESENT: Shawn F. Burns
 On Behalf of the State of Ohio

 Detective Sergeant Patrick Kelly, Witness

 The Mahoning County Grand Jury

 Diane M. Kerchofer, RPR
 Official Court Reporter

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EXHIBIT

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OFFICIAL SHORTHAND REPORTERS
MAHONING COUNTY YOUNGSTOWN, OHIO

1 WHEREUPON,

2
3 DETECTIVE SERGEANT PATRICK KELLY,

4
5 who, being first duly sworn testified
6 as follows:

7 EXAMINATION

8 BY MR. BURNS:

9 Q Good morning, Detective. Could you state
10 your full name and spell your last name for the record,
11 please?

12 A Detective Sergeant Pat Kelly, K-E-L-L-Y.

13 Q Detective, we're here today in the matter of
14 the State of Ohio versus Kalilo Robinson. Shawn Burns
15 on behalf of the Mahoning County Prosecutor's Office.
16 We're seeking an indictment on the following counts:
17 Count One, obstructing justice, whereby the state is
18 alleging that Kalilo Robinson did with purpose to
19 hinder the discovery, apprehension, prosecution,
20 conviction, punishment of another for a crime, or to
21 assist another to benefit from the commission of a
22 crime by communicating false information to any person.
23 And Count Two, similarly, with the difference that

1 we're asking that -- we're seeking an indictment that
2 he assisted another to benefit from the commission of a
3 crime by the destruction or concealing the physical
4 evidence. In this case it would be his testimony which
5 had previously been given. And Count Three, tampering
6 with evidence, that he did knowingly in an official
7 proceeding or investigation likely to be instituted,
8 concealed or remove a certain thing for the purpose to
9 impair its value or availability as evidence. In this
10 case it would be the testimony that he was ordered to
11 give.

12 Detective, how did you become acquainted with
13 the defendant in this matter, Kalilo Robinson?

14 **A** I investigated a homicide. It happened in
15 Thanksgiving a couple years ago. We had found a male
16 black subject shot about three times in the back of the
17 head on the north side. Through my investigation I
18 found that it was Kalilo Robinson and Marquan White
19 were the two people who were last with the victim.
20 Kalilo agreed to be a witness for us, and he told us
21 that they were walking on Galaida and Marquan took a
22 gun out and shot the guy in the back of the head and
23 then stood over top of him and shot him two more times

1 to the head.

2 Through the course of the investigation I
3 found out that they were at this house, all three of
4 them together, left the house walking, and that's what
5 happened when he shot him. Yesterday we had a pretrial
6 and Kalilo Robinson invoked his Fifth Amendment right
7 and refused to testify as a witness.

8 Q Was that done on the record?

9 A That was on the record.

10 Q And the statements that you took from him
11 previously, were those all recorded?

12 A One was recorded, and one was with the court
13 stenographer on a proffer. So we have two statements
14 of Kalilo Robinson.

15 Q And could you just briefly tell the grand
16 jurors what you mean by a proffer?

17 A It's official. It's with a court reporter.
18 There's an attorney there. There's a prosecutor there,
19 and I'm there, and we were able to question him. And
20 so he was able to give both sides of the story.

21 Q And, in fact, we were taking his statement in
22 exchange for his cooperation and agreement not to
23 charge him in regard to that matter?

1 **A** Correct. The reason that being is the actual
2 shooter and Kalilo are completely different looking.
3 The shooter is light skinned and Kalilo is very dark
4 skinned, and we have a witness who saw right after the
5 shooting the light-skin male running with the gun and
6 the dark-skin male running behind him like seconds
7 after the shooting. So that's why I felt comfortable
8 going to Kalilo and getting him to be a witness. And
9 when he did that yesterday, it just put a halt to the
10 case.

11 **Q** Let's talk a little bit about more in detail
12 what happened yesterday. We brought him into court and
13 he was put on the witness stand and put under oath; is
14 that correct?

15 **A** Correct. And he invoked his Fifth Amendment
16 right, which was kind of crazy 'cause he's a witness,
17 so.

18 **Q** And then once he invoked his Fifth Amendment
19 right, what happened next?

20 **A** The prosecutor's office gave him immunity --
21 offered him immunity.

22 **Q** Was that done in writing?

23 **A** Yes. I believe you gave it to him, his

1 attorney, the defense attorney for the actual shooter,
2 and the judge, so. And he still refused to testify.

3 Q Anything else you'd like to add as far as the
4 facts surrounding the incident from yesterday?

5 A No, that's about it. The only thing is that
6 I was kind of taken back when he invoked his Fifth
7 Amendment right because he is a witness. Usually when
8 you invoke your Fifth Amendment right, you have
9 something to hide. And that kind of stopped it right
10 there. The trial was done right there at that point.

11 Q And throughout -- and throughout the
12 conversations you had with him as well as the recorded
13 statement and the one that was not recorded, it was
14 always made clear that his testimony was essential in
15 this case?

16 A Correct.

17 Q And that everything that was being done with
18 regard to giving him -- with agreeing not to charge him
19 and then presenting him with immunity was in
20 consideration of that fact?

21 A Correct.

22 Q And just so we're clear finally, the evidence
23 that we're talking about that he's concealing in this

1 matter, is it the physical testimony that he was to
2 provide in court?

3 **A** Yes, because he was actually, for lack of a
4 better word, an eyewitness. He was right there. It
5 was the victim, shooter, Kalilo Robinson.

6 **MR. BURNS:** Okay. That's all I have at
7 this time. Any questions? Okay. Thank you.

8 * * * * *

REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct transcript of the proceedings had in the grand jury of the within-named case as shown by my stenographic notes taken by me during the grand jury and at the time the evidence was being introduced.

DIANE M. KERCHOFER, RPR
OFFICIAL COURT REPORTER

DATE: _____

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